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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,728	/707,728 01/07/2004		John Darin Fiegener	001-285	1727
29569	7590	05/17/2006		EXAMINER	
JEFFREY		<b></b>	GORDON, RAEANN		
253 N. MAIN STREET JOHNSTOWN, OH 43031				ART UNIT	PAPER NUMBER
, and the second				3711	
			DATE MAILED: 05/17/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/707,728	FIEGENER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Raeann Gorden	3711					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	the mailing date of this communication.  D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 27 Fe	1) Responsive to communication(s) filed on 27 February 2006.						
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This	action is non-final.						
3) Since this application is in condition for allowar	application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	i3 O.G. 213.					
Disposition of Claims							
<ul> <li>4)  Claim(s) 20-23 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 20-23 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>	vn from consideration.						
Application Papers							
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).					
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
Attachment(s)							
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da						
S. Patent and Trademark Office							

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthry (5,509,657). Guthry discloses a level attached to the shaft of a putter. The level includes a level chamber with air enclosed inside a chamber (fig 1). Claim 4, the chamber includes a top and bottom housing. The level includes liquid and indicia/image on the face. Guthry discloses a level attached to the shaft of a putter by a hinge (56, fig 1). Guthry discloses an adjustment means between the level and the shaft attachment (56, fig 1) but does not disclose a drive means. The tongue and drive means is considered an obvious variation of the Guthry device since the remainder of the premise of both inventions are the same. One of ordinary skill in the art would modify or update the adjustment means for a more modern device.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 571-272-4409. The examiner can normally be reached on Mon, Tues, Thurs, Fri 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rg May 15, 2006

> RAEANN GORDEN PRIMARY EXAMINER